

REMARKS/ARGUMENTS

Applicants respectfully traverse the restriction requirement for the following reasons.

The Examiner correctly states that: “the inventions are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process.”

The Examiner then states:

“In this case the process as claimed can be practiced by another materially different apparatus, such as an apparatus that causes the tip of the band to reach a predetermined position as set forth in the method claims and not the apparatus claims wherein the tip of the band does not reach a predetermined position.” (Emphasis added)

Applicants disagree with the Examiner's construction of the apparatus defined in claim 2. Note in claim 2, lines 13-15:

“the band supply means is then driven again to supply the tip of the band to the predetermined position on the band guide arch side,” (Emphasis added)

In fact, apparatus claim 2 contains each and every limitation set forth in process claim 1 as evidenced by a side-by-side comparison of the claims below. Accordingly, the apparatus of claim 2 can be used only to practice the process defined in claim 2.

CLAIM 1

CLAIM 2

<p>1. A band refeeding method in a banding packing machine in which, when the tip of the band to be supplied to a predetermined position of a band guide arch by the band supply means is stopped in such a state that it does not reach the predetermined position, band pull back means having a pair of rollers is driven in place of band supply means having a pair of rollers and</p> <p>a tip portion of a band is returned to an original band feeding position by the band pull back means, and</p> <p>then the band supply means is driven again, whereby the tip portion of the band is supplied to the predetermined position on the band guide arch side, comprising the steps of:</p> <p>previously detecting a correct length of the band to be pulled back to the original band feeding position by the band pull back means based on the number of rotations which is obtained from a start of the supply of the band by a touch roller constituting the band supply means to a stop thereof; and</p> <p>detecting the number of rotations of the touch roller corresponding to a smaller length than the amount of pulling back having the correct length detected previously, when the tip portion of the band is pulled back from such a position that it is stopped,</p> <p>reducing a rotating speed of the roller of the band pull back means when the number of rotations is detected, and</p> <p>subsequently rotating the roller of the band pull back means at the low speed, whereby the tip of the band is pulled back to a set position.</p>	<p>← →</p> <p>← →</p> <p>← →</p> <p>← →</p> <p>← →</p> <p>← →</p>	<p>2. A banding packing machine having a refeeding mechanism comprising:</p> <p>a band guide arch;</p> <p>band supply means having a pair of rollers; and</p> <p>band pull back means having a pair of rollers,</p> <p>in which a tip portion of a band is supplied to the band guide arch side by the band supply means, and</p> <p>the band pull back means is driven in place of the band supply means, when the tip of the band is stopped in such a state that it does not reach a predetermined position, and</p> <p>the tip portion of the band is returned to an original band feeding position by the band pull back means and</p> <p>the band supply means is then driven again to supply the tip of the band to the predetermined position on the band guide arch side,</p> <p>wherein a correct length of the band to be pulled back to the original band feeding position by the band pull back means is previously detected based on the number of rotations, which is obtained from a start of the supply of the band by a touch roller constituting the band supply means to a stop thereof; and</p> <p>the number of rotations of the touch roller corresponding to a smaller length than the amount of pulling back having the correct length detected previously is detected when the tip portion of the band is pulled back from such a position that it is stopped,</p> <p>a rotating speed of the roller of the band pull back means is reduced when the number of rotations is detected, and</p> <p>the roller of the band pull back means is subsequently rotated at the low speed, whereby the tip of the band is pulled back to a set position.</p>
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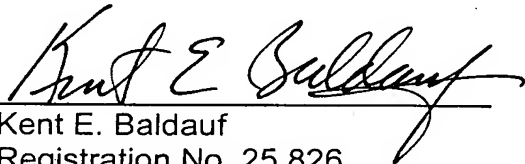
{W0139811.1}

Restriction is therefore improper and the Examiner's reconsideration and withdrawal of the requirement are respectfully requested. Examination of claims 1 and 2 is deemed proper and the Examiner's favorable action is earnestly solicited.

Respectfully submitted,

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By



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